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FINAL INVESTIGATION REPORT¹

RESPONDENT: [REDACTED]

COMPLAINANT: [REDACTED]

I. INVESTIGATION OVERVIEW

The Title IX Coordinator, Maria Kanger, received a report from [REDACTED] [Complainant], on March 04, 2021 stating after speaking with one of her professors she was recommended to stop by the Title IX office. Complainant shared with Kanger that over the weekend she found out someone who she thought was her friend, later identified as [REDACTED] [Respondent], had been tracking their friend group since freshman year, has watched from the window of his pod to see when members of her pod at Fairview come and go, has broken into the general area of her pod while they were not there (searching for them), and has gone into her room without her permission while she was not there. Complainant shared that throughout the week she has had meetings with CAs, and her podmates and friends had a mediation with him where they terminated their friendship. Complainant filed a formal complaint, stating that she/ would like to resolve the case through the Administrative Investigation and Adjudication Process. The case was referred to investigator Kody Rother by Kanger

Below, information gathered over the course of the investigation is summarized. Section VII, Investigation Summary, outlines material facts in dispute and not in dispute, as well as information that has and has not been corroborated.

II. INVESTIGATION TIMELINE

- **Case Referred to Investigator: March 30, 2021**
 - o The Title IX Coordinator, Maria Kanger, referred this case to Kody Rother for a University Administrative Investigation and Adjudication Process. This referral took place after Complainant filed a formal complaint, stating that she wished to move forward with an investigation and adjudication process.
- **Investigator Met with Complainant: April 06, 2021**
 - o Rother met with Complainant. In that meeting, Complainant's account was recorded in meeting notes, which she reviewed for accuracy and signed off on. The meeting with Complainant is summarized below, on page 5 . The meeting notes can be found on page 4 of the Appendix.
- **Respondent Request for Additional Information: April 06, 2021**
 - o Respondent replied to Rother's request to meet asking for additional information to be able to respond to the notice of investigation. Rother replied and provided additional information on April 08, 2021. This email can be found on page 192 of the appendix.

¹An identical copy of this report, with the exception of the watermark, has been provided to Complainant and Complainant's advisor. This report is intended for review by the parties listed above and their respective advisors only. Duplication and/or dissemination of any portion of this Report is prohibited and may result in disciplinary action.

- **Investigator Met with Respondent: April 15, 2021**
 - o Rother met with Respondent. In that meeting, Respondent's account was recorded in meeting notes, which he reviewed for accuracy and signed off on. The meeting with Respondent is summarized below, on page 18. The meeting notes can be found on page 109 of the Appendix.
- **Parties Provided Opportunity to Submit Information: April 09, 2021 (Complainant) and April 16, 2021 (Respondent)**
 - o Rother emailed Complainant and Respondent separately, providing them with the opportunity to submit names of witnesses and any other information directly related to the allegations. The deadline for Complainant to submit such information was 5pm on April 16, 2021. The deadline for Respondent to submit such information was 5pm on April 23, 2021. Both parties provided a response, and their responses to this request can be found on pages 19 and 121 of the Appendix.
- **Letter of Support for Respondent Provided, April 16, 2021**
 - o A letter to speak on the character of the Respondent was received by Kanger and the Dean of Students, Martha Dziwlik. The information in the letter appeared to not be directly related to the allegations. A summary of that information can be found in the list of Information Not Directly Related to the Allegations numbered 3.
- **Letter of Support for Respondent Provided, April 19, 2021**
 - o A letter of support for Respondent was received by Kanger and the Dean of Students, Martha Dziwlik. The information in the letter appeared to not be directly related to the allegations. A summary of that information can be found in the list of Information Not Directly Related to the Allegations numbered 4.
- **Investigator Met with Witness 1: April 22, 2021**
 - o Rother met with [REDACTED] ("Witness 1"), who Complainant identified as witness. Witness 1's account was recorded in meeting notes, which he reviewed for accuracy and signed off on. The meeting with Witness 1 is summarized below, on page 27. The meeting notes can be found on page 146 of the Appendix.
- **Investigator Follow-Up Meeting with Witness 1: May 10, 2021**
 - o Rother had a follow-up meeting with Witness 1. Witness 1's account was recorded in meeting notes, which he reviewed for accuracy and signed off on. The meeting with Witness 1 is summarized below, on page 149. The meeting notes can be found on page 29 of the Appendix.
- **Email Confirmation of Respondent Consultations, Provided April 23, 2021**
 - o Director of Counseling and Consultation Services Keith Magnus wrote to Rother at the request of Respondent. The information in the email appeared to be directly related to the allegations but appeared to be not relevant. The un-redacted version of this email can be found on page 10 the Information Directly Related to the Allegations packet.
- **Investigator Met with Witness 2: April 23, 2021**
 - o Rother met with [REDACTED] ("Witness 2"), who Complainant identified as a witness. Witness 2's account was recorded in meeting notes, which she reviewed for accuracy and

signed off on. The meeting with Witness 2 is summarized below, on page 29. The meeting notes can be found on page 150 of the Appendix.

- **Investigator Met with Witness 3: April 23, 2021**
 - o Rother met with [REDACTED] [REDACTED] ("Witness 3"), who Complainant identified as a witness. Witness 3's account was recorded in meeting notes, which she reviewed for accuracy and signed off on. The meeting with Witness 3 is summarized below, on page 33. The meeting notes can be found on page 155 of the Appendix.
- **Investigator Follow-Up Meeting with Witness 3: May 21, 2021**
 - o Rother had a follow-up meeting with Witness 3. Witness 3's account was recorded in meeting notes, which she reviewed for accuracy and signed off on. The meeting with Witness 3 is summarized below, on page 161. The meeting notes can be found on page 37 of the Appendix.
- **Investigator Met with Witness 4: May 07, 2021**
 - o Rother met with [REDACTED] [REDACTED] ("Witness 4"), who Complainant identified as a witness. Witness 4's account was recorded in meeting notes, which he reviewed for accuracy and signed off on. The meeting with Witness 4 is summarized below, on page 39. The meeting notes can be found on page 164 of the Appendix.
- **Investigator Met with Witness 5: April 26, 2021**
 - o Rother met with [REDACTED] [REDACTED] ("Witness 5"), who Complainant identified as a witness. Witness 5's account was recorded in meeting notes, which he reviewed for accuracy and signed off on. The meeting with Witness 5 is summarized below, on page 41. The meeting notes can be found on page 167 of the Appendix.
- **Investigator Follow-Up Meeting with Witness 5: May 12, 2021**
 - o Rother had a follow-up meeting with Witness 5. Witness 5's account was recorded in meeting notes, which he reviewed for accuracy and signed off on. The meeting with Witness 5 is summarized below, on page 44. The meeting notes can be found on page 171 of the Appendix.
- **Investigator Met with Witness 6: April 27, 2021**
 - o Rother met with [REDACTED] [REDACTED] ("Witness 6"), who Complainant identified as a witness. Witness 6's account was recorded in meeting notes, which he reviewed for accuracy and signed off on. The meeting with Witness 6 is summarized below, on page 45. The meeting notes can be found on page 172 of the Appendix.
- **Investigator Met with Witness 7: April 28, 2021**
 - o Rother met with [REDACTED] [REDACTED] ("Witness 7"), who Complainant identified as a witness. Witness 7's account was recorded in meeting notes, which he reviewed for accuracy and signed off on. The meeting with Witness 7 is summarized below, on page 47. The meeting notes can be found on page 175 of the Appendix.
- **Investigator Met with Witness 8: May 07, 2021**
 - o Rother met with [REDACTED] [REDACTED] ("Witness 8"), who Complainant identified as a witness. Witness 8's account was recorded in meeting notes, which he reviewed for accuracy and

signed off on. The meeting with Witness 8 is summarized below, on page 49. The meeting notes can be found on page 178 of the Appendix.

- **Investigator Met with Witness 9: May 05, 2021**
 - o Rother met with [REDACTED] [REDACTED] ("Witness 9"), who Rother identified as a witness. Witness 9's account was recorded in meeting notes, which she reviewed for accuracy and signed off on. The meeting with Witness 9 is summarized below, on page 52. The meeting notes can be found on page 182 of the Appendix.
- **Investigator Outreach to Detective Sweeney: May 05, 2021**
 - o Rother spoke with Detective Sweeney on May 05, 2021 inquiring if Complainant had spoken with her and if there would be any documentation. Detective Sweeney believed she spoke to Complainant on the phone, and if so, would have a recording. Sweeney wrote on May 07, 2021 that she made the call away from work and does not have a recording.
- **Investigator Met with Witness 10: May 07, 2021**
 - o Rother met with [REDACTED] [REDACTED] ("Witness 10"), who Rother identified as a witness. Witness 10's account was recorded in meeting notes, which she reviewed for accuracy and signed off on. The meeting with Witness 10 is summarized below, on page 54. The meeting notes can be found on page 185 of the Appendix.
- **Investigator Met with Witness 11: May 19, 2021**
 - o Rother met with [REDACTED] [REDACTED] [REDACTED] ("Witness 11"), who Rother identified as a witness. Witness 11's account was recorded in meeting notes, which he reviewed for accuracy and signed off on. The meeting with Witness 11 is summarized below, on page 56. The meeting notes can be found on page 190 of the Appendix.
- **Investigator Follow-Up Meeting with Complainant: May 13, 2021**
 - o Rother had a following up meeting with Complainant at the request of Rother. In that meeting, Complainant's account was recorded in meeting notes, which she reviewed for accuracy and signed off on. The meeting with Complainant is summarized below, on page 13. The meeting notes can be found on page 13 of the Appendix.
- **Investigator Outreach to Detective Sweeney: May 18, 2021 and May 21, 2021**
 - o Rother reached out to Detective Sweeney, asking if she spoke to Witness 3 in March of 2021 regarding concerns she may have had with another student involving personal boundaries. Detective Sweeney replied on March 18, 2021 she did and it is in reference to BUPD case 21-00108. Detective Sweeney and attached the recorded conversation to the email. Rother wrote Detective Sweeney asking if there was and Referral and Information Referral form for the case and if she would be able to describe the process for how someone is listed as a suspect as well as if it is standard to run background information when an individual is reported. Detective Sweeney replied on May 24, 2021. The recorded conversation can be found (in the found) in the folder with Report documents. The Referral and Information Form can be found on page 197 of the Appendix, and Sweeney's email reply can be found on page 195 of the Appendix.
- **Investigator Follow-Up Meeting with Complainant: May 19, 2021**

- Rother had a following up meeting with Complainant at the request of Rother. In that meeting, Complainant's account was recorded in meeting notes, which she reviewed for accuracy and signed off on. The meeting with Complainant is summarized below, on page 15. The meeting notes can be found on page 16 of the Appendix.
- **Investigator Follow-Up Meeting with Respondent: May 20, 2021**
 - Rother had a following up meeting with Respondent, at the request of Rother. In that meeting, Respondent's account was recorded in meeting notes, which he reviewed for accuracy and signed off on. The meeting with Respondent is summarized below, on page 22. The meeting notes can be found on page 115 of the Appendix.
- **Respondent Provided Letter of Recommendation from Professor: May 26, 2021**

Respondent provided Rother a letter of recommendation for an internship written by a faculty member. The information in the letter appeared to not be directly related to the allegations. A summary of that information can be found in the list of Information Not Directly Related to the Allegations numbered 5.
- **Investigator Outreach to Dean of Students: June 11, 2021**
 - Rother reached out to Dean of Students Martha Dziwlik, asking if she spoke to Witness 3 in March of 2021 regarding boundaries involving another student. Dziwlik replied on June 11, 2021 and can be found on page 198 of the Appendix. Information in the email appeared to not be directly related to the allegations, and has been redacted. A summary of that information can be found in the list of Information Not Directly Related to the Allegations numbered 6.
- **Parties Informed of Preliminary Investigation Report Availability: June 24, 2021**
 - Rother emailed Complainant and Respondent separately, informing them that the Preliminary Investigation Report was available for review. They were given an original deadline of July 09, 2021 to submit a response. Both parties were given an extended deadline of July 16, 2021. The responses are summarized below, on pages 88 and 104. The full responses can be found on pages 200 and 225 of the Appendix.

III. MEETING SUMMARIES

A. MEETINGS WITH THE PARTIES

Investigator Meeting with Complainant: April 06, 2021

Rother met with Complainant on April 06, 2021. Complainant did not have an advisor present. Rother informed Complainant, if she would like, he could provide her a list of university employees who have indicated a willingness to serve as an advisor in the process. Complainant said she would like the list. Rother said they could reschedule their meeting so she may have an advisory present if she would like. Complainant said she would like to continue to meet. Rother opened the interview portion of the meeting by stating to the Complainant "we can begin wherever you would like, feel free to start at any point that makes sense for you." Complainant provided an account of what took place over the course of the 2020 spring semester through March of 2021. For the sake of clarity, the summary of the meeting with Complainant has been compiled in a chronological narrative in the following paragraphs.